

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EMC CORPORATION AND EMC ISRAEL	)	
DEVELOPMENT CENTER, LTD.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 12-956 (GMS)
	)	
ZERTO, INC.,	)	
	)	
Defendant.	)	

**STIPULATION AND PROPOSED ORDER REGARDING POST-TRIAL MOTIONS**

Plaintiffs EMC Corporation (“EMC”) and EMC Israel Development Center, Ltd. (“EIDC”) (collectively, “EMC”), and Defendant Zerto, Inc. (“Zerto”), by and through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court that:

1. Any renewed motion for judgment as a matter of law under Fed. R. Civ. P. 50(b) and/or any other post-trial motions shall be filed on or before the date set by the Federal Rules of Civil Procedure, but in no event later than June 19, 2015.<sup>1</sup>

2. The opening brief in support of any renewed motion for judgment as a matter of law under Fed. R. Civ. P. 50(b) shall be filed on or before June 19, 2015. The answering brief opposing such motions shall be filed on or before July 17, 2015. The reply brief in further support of such motions shall be filled on or before August 7, 2015.

3. EMC’s motion for a permanent injunction and opening brief in support of that motion, shall be filed on or before June 19, 2015. Zerto’s answering brief opposing EMC’s motion shall be filed on or before July 17, 2015. EMC’s reply brief in support of its motion shall be filed on or before August 7, 2015.

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<sup>1</sup> EMC separately intends to submit a bill of costs in accordance with the time limitations set forth in D. Del. Local Rule 54.1

4. EMC and Zerto agree that Zerto's Eleventh and Twelfth Counterclaims seeking declarations of unenforceability for the '867, '091 and '395 patents should be resolved without a live hearing. Zerto will submit its opening brief in support of its Eleventh and Twelfth Counterclaims on or before July 10, 2015. EMC will file an answering brief opposing Zerto's opening brief on or before August 14, 2015. Zerto's reply brief in support of its Eleventh and Twelfth Counterclaims shall be filed on or before August 28, 2015.

5. Any additional post-trial motions filed by Zerto or EMC, and opening briefs in support of such motions, shall be filed on or before the date set by the Federal Rules of Civil Procedure, but in no event later than June 19, 2015. Answering briefs opposing such motions shall be filed on or before July 17, 2015. Reply briefs in support of such motions shall be filed on or before August 7, 2015.

6. The opening and answering briefs for each motion shall be limited to 35 pages, and the reply briefs to 20 pages. In all other respects, the post-trial briefs of the parties shall comply with District of Delaware Local Rule 7.1.3.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

YOUNG CONAWAY STARGATT & TAYLOR LLP

*/s/ Jack B. Blumenfeld*

*/s/ Monté T. Squire*

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*Attorneys for Plaintiffs*

*Attorneys for Defendant*

SO ORDERED this \_\_\_\_ day of June, 2015.

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UNITED STATES DISTRICT JUDGE